



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3019912
Applicant Name: Sunny Ausink of Glotel, Inc.
Address of Proposal: 1520 15th Avenue East (Parke Grandview Building)

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new wireless communication utility (Verizon Wireless) consisting of 12 panel antennas and 4 equipment cabinets to be located on the rooftop of a multi-family structure.

The following approval is required:

Administrative Conditional Use Review – to allow a new minor communication facility which will exceed the applicable height limit of the zone.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property is developed with a four story 20-unit condominium complex constructed in 1980 known as the Parke Grandview. The building is located one parcel north of the E Galer Street and 15th Ave East intersection in the east Capitol Hill neighborhood. Directly across 15th Ave E is the Lakeview Cemetery. Approximately, 125 feet to the SW of the subject site, a plethora of landmark structures and sites exist in Volunteer Park. All of the structures and landmark sites within Volunteer Park are regulated by the Department of Neighborhoods and Parks Department. The adjacent properties to the west and east have a zoning designation of SF 5000 while the properties to the north and south are in the same zoning district as the subject property: LR3.

The applicant is requesting to install 12 new panel antennas, 12 remote radio heads (RRHs), and 3 Over Voltage Protection (OVP) units to be concealed within proposed Fire Rated Proofing (FRP) antenna shrouds. In addition, outdoor equipment cabinets are proposed to be mounted on the screened equipment platform on the existing rooftop.

Public Comment

No public comments were received during the normal comment period.

ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas for the minor communication utility will be installed on the rooftop of an existing four-story condominium building in a Lowrise (LR3) zoning district. The proposed antennas and equipment area for the minor communication utility will be installed in a penthouse-like screened area on the rooftop of the existing condo building. This screening will be painted and designed to match the exterior of the existing building. During construction, the neighboring property owners may experience additional noise but once construction is finished, there should be no additional noise impact from the antennas to the surrounding neighbors or tenants in the existing condominium. In addition, the proposal does not impact any existing parking spaces on-site nor does it eliminate any existing dwelling units. Short-term construction impacts on traffic should be limited to the coming and going of a few trucks during the construction process. After this brief construction period, no additional traffic impacts are anticipated. The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance.

Public comment is often received, expressing concern that radio frequency radiation from the proposed facility could be a detrimental impact. The applicant has submitted a “Personal Wireless Service Facility Applicant’s Statement of FCC (Federal Communications Commission) Compliance” and “Non-ionizing Electromagnetic Radiation Report (NIER)” with engineering certification for this proposed facility giving the calculations of radiofrequency power density. The report was prepared by a Washington State licensed professional engineer. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. In

2013, pursuant to Senate Bill 1183, the Washington State legislature exempted most new and expanded minor telecommunication facilities of this scale from review under Washington's State Environmental Policy Act (SEPA). Furthermore, the FCC has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted.

The application includes search ring analysis per DPD Director's Rule 19-2013. This location is the least intrusive facility in this neighborhood. The nearest commercial zoning district is approximately 1,800 feet from the subject site and those neighboring properties to the east and west are all zoned SF 5000 while the properties directly to the north and south are zoned LR3; which is the same zoning as the subject site. There is one similarly sized building within the search ring and in the same zoning district as the subject site located at 1210 15th Ave E. This building is approximately of the same height as the subject property but according to the application materials, the owner of this property was contacted about installing a minor telecommunication facility on the roof but was not interested. Both the Parks Department and the Department of Neighborhoods have determined that the existing landmark designated water tower in Volunteer Park would not support the proposed utility. Even though a water tower is one of the least intrusive locations identified in DR 19-2013, the fact that this water tower is a city and state recognized landmark structure, no modifications to the water tower would be allowed. Therefore, the proposed site is the least intrusive location.

The design, size, and height of the proposed antennas, in conjunction with the fact that the antennas will be screened render the proposed antennas to be visually un-obtrusive. This proposal, once installed, will look to be part of the existing apartment building and should appear to be a mechanical penthouse that has been added to the rooftop of the building. Therefore, the proposed facility is the least intrusive facility.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The new antennas and supporting equipment will be placed behind four new shrouds that will be painted to match the existing color of the building. With the installation of these shrouds, the proposed antennas will be visually unobtrusive to the greatest extent practicable.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
- b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

No Major Institution Overlay District exists on or near the property.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

SMC 23.57.011C allows minor communication antennas to exceed the zone height limit by 10 feet. The proposed antennas, equipment and their related shrouds/screening are proposed to be approximately 22-feet over the 30-foot zone height limit. The application documents that the goal is to add capacity to the network and optimize the performance of Verizon's 4G service and that this can only be achieved at the requested height. Therefore, the requested height is the minimum necessary for the effective functioning of the minor communication utility.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of additional antennas and equipment to the facility has been completed, occasional visits would occur for routine maintenance at a similar frequency as does the existing facility. No neighborhood impacts are anticipated and the proposal is in the least intrusive location within this neighborhood.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **GRANTED with CONDITIONS.**

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

1. Revise the FCC Memo to accurately reflect the project description.

Signature: Betty Galarosa for Date: September 3, 2015
Branin Burdette, Land Use Planner II
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.